

have conferred upon me, and will assure you that I shall endeavor to discharge the duties devolving upon me to the best of my ability to advance the interests of the State.

The Senate retired to their chamber, and on motion of Mr. Gage, adjourned until Wednesday, the 26th inst.

WEDNESDAY, 9 o'clock A. M., December 26, 1849.

The Senate was called to order by the President. Senators present: Messrs. Cooke, Davis, Gage, Grimes, Hart, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Taylor, Truit, Ward, Walker and Wallace.

The journals of 21st December read and adopted.

Mr. Cooke presented the petition of John Boyd, which was read, and, on motion of Mr. Cooke, referred, with the accompanying documents, to the committee on Public Lands.

Mr. Moffett presented the petition of sundry citizens of Houston county, praying to be attached to Polk county; read, and, on motion of Mr. Moffett, referred to the committee on County Boundaries.

Mr. Grimes, chairman of the committee on Finance, to whom was referred a joint resolution for the relief of the citizens of Jasper county, reported that the committee were unable to agree upon a report, and returned the same to the Senate for their action.

Mr. Pease presented the petition of Wiley Marshal, which was read, and, on motion of Mr. Pease, referred to the committee on Private Land Claims.

Mr. Wallace introduced a bill relative to proof of the statute and common law of the States and Territories of the United States; read first time.

Mr. Ward introduced a bill for the benefit of the heirs of Jas. Ury, deceased; read first time.

ORDERS OF THE DAY.

A resolution of the Senate, instructing the committee on Indian Affairs to inquire into and report upon the expediency of granting to Hosea Maria, and the remainder of his tribe of Indians, leave to occupy and cultivate three leagues of land, &c., read and adopted.

A bill to legalize the head-right certificate of Simon P. Barnes; read second time and ordered to be engrossed.

A bill to provide for deductions from salaries of district judges and district attorneys, who fail or neglect to discharge the duties assigned them by law, together with the report of the committee on Finance, offering amendments thereto, was read; amendments adopted and bill ordered to be engrossed.

Mr. Wallace, chairman of the committee on Enrolled Bills, reported a bill to authorize any two county commissioners to perform the duties of chief justice of the county court when said office is vacant, or when said officer is absent from the county, or is unable or disqualified to act, correctly enrolled.

Mr. Wallace introduced a bill to provide for incorporating charitable, benevolent and scientific companies or societies; read first time.

A message was received from the House of Representatives, informing the Senate that the House had concurred in the amendments of the Senate to a bill to incorporate the Texana academy; also, that the House had passed the following bills which originated in the Senate, with amendments, viz:

A bill to authorize the Commissioner of the General Land Office to issue a head-right certificate, first class, for one league and labor of land to James Taylor;

A bill creating the counties of Presidio, El Paso and Worth; and,

A bill to authorize and require the Commissioner of the General Land Office to issue a patent to Robert W. Latimer for six hundred and forty acres of land.

A bill concerning lands acquired by aliens; read second time, and, on motion of Mr. Portis, referred to the committee on the Judiciary.

A bill to provide for the permanent location of the seat of justice for Cass county; read third time and passed.

Joint resolution for the relief of the heirs of Peter Crudden, deceased; read third time and passed.

Joint resolution for the relief of the heirs and assignees of Benjamin D. Nobles, dec'd.; read third time and passed.

A bill creating the counties of Presidio, El Paso and Worth, with amendments from the House; on motion of Mr. Pease, laid on the table.

A bill to authorize the Commissioner of the General Land Office to issue a head-right certificate, first class, for one league and labor of land to James Taylor, with amendments from the House of Representatives, was read, and, on motion of Mr. Pease, referred to the committee on Public Lands.

A bill to authorize and require the Commissioner of the Gen-

eral Land Office to issue a patent to Robert W. Latimer, for 640 acres of land, with amendments from the House, was, on motion of Mr. Gage, referred to the committee on Public Lands.

A message was received from the House of Representatives, transmitting the following resolution :

Resolved, (the Senate concurring) That both Houses of the Legislature will proceed to the election of a district attorney for the 11th judicial district, on Friday next at 11 o'clock, a. m.

Mr. Grimes moved to lay the resolution on the table until the 1st day of February next ; upon which the yeas and nays were called and stood thus :

Yeas : Messrs. Cooke, Gage, Grimes, Hart, Latimer, McRae, Moffett, Parker, Taylor, Truit, Walker and Wallace—12.

Nays : Messrs. Pease, Phillips, Portis and Ward—4; carried.

On motion of Mr. Truit, Mr. Robertson was excused from attendance on the Senate, until Friday, 28th instant.

On motion of Mr. Phillips, Mr. Van Derlip was excused until Saturday, 29th inst.

Mr. Pease introduced a bill to authorize the Commissioner of the General Land Office to issue a head-right certificate to Guy M. Bryan ; read first time.

Mr. Wallace, from the committee on Enrolled Bills, reported, that a bill providing payment for the forage and subsistence of the company of mounted volunteers mustered into the service of the State on the 10th day of June, 1849, by Col. H. L. Kinney, had been presented to the Governor for his approval on this day.

Mr. Phillips introduced a bill to quiet the land titles of those claiming lands under titles issued to colonists in the colonies of Austin, De Witt, and De Leon, before the act of the late consultation closing the land offices in November, 1835, under the colonization laws of the government of Mexico, and the State of Coahuila and Texas, as head-rights to heads of families, and to single persons, where the titles issued for one league and labor of land or less ; read first time.

A committee from the House of Representatives announced to the Senate that the message of the Governor had been received, and requested the Senate to meet the House in the Representative Hall to hear it read.

On motion of Mr. Parker, a committee was appointed to inform the House that the Senate accept their invitation. Messrs. Parker and Latimer were appointed a committee, who retired and performed that duty.

The Senate repaired to the House of Representatives. The Governor's message was read, as follows :

EXECUTIVE DEPARTMENT,
Austin, Dec. 26th, 1849.

To the Hon. the Senate and

House of Representatives:

GENTLEMEN:—In addressing you for the first time, in obedience to the provisions of the 9th section of the 5th article of the Constitution, I find myself relieved from much of the labor which would otherwise have devolved upon me, by the full and satisfactory communication made to you by my predecessor, at the commencement of your present session; and by the various measures which have been adopted, and are now in progress in your honorable body in accordance with the suggestions of that communication. Concurring, as I mainly do, in the views therein presented, in respect to the policy and general interest of the State, I would at this late period have but little to add, were it not that some of the subjects which still require your action, are of so grave an aspect, and so vitally connected with the maintenance of our honor and our rights, that I consider it a duty which I am not permitted to disregard, most respectfully to call your attention to them.

If, in doing this, I should find it necessary to trouble your honorable body in travelling over ground previously assumed, or by adverting to subjects acted or being acted upon, it is because of my solicitude not to withhold from my country at this interesting period, my views and opinions of measures upon which I shall most probably be called to act.

The disposition which was manifested, at an early period after our annexation, to violate, in respect to our boundary, a most important provision in the compact under which we entered the Union, was regarded, at the time, without apprehension on our part, because we supposed it was confined to a few only of those politicians who had opposed the connection. Recent events, however, force upon us the unpleasant conviction, that a deliberate intention is now entertained, by a large and growing party in some of our sister States, to deprive us by the mere exertion of power, and without reference to the question of right, of a considerable portion of our territory; and that unless it be checked by the prompt adoption of such measures as will bring the subject to a speedy and final issue, we may find, and that too, in the degradation of the State, that we have trusted too much and too long.

I am not disposed to charge the authorities of the Federal Government with a designed participation in this most unjust

intention, or with having already placed that Government in the attitude of an adverse claimant of any portion of our territory, because I have seen no direct evidence that such is the fact.— But the course pursued within the last eighteen months has certainly been such, as to give rise to the most serious apprehensions, that they are disposed tacitly to yield to any effort which may be made to wrest it from us. The total silence observed in regard to the Resolutions of the 20th March, 1848, and the law passed at the same session of the Legislature for organizing the county of Santa Fe—the *continuance* of their Military and Civil Government within the limits of our territory, when no longer required for the purposes for which it was established, and the failure, amounting to a refusal, to give instructions to the officers in command of that Department to recognize and respect the authorities of the State in the discharge of the duties assigned them, indicate, but too strongly, a careless indifference to our rights, if they do not go further, and manifest a disposition totally to disregard them.

A proper sense of what is due to ourselves, calls upon us to say, in terms too emphatic to be misunderstood, *that this state of things cannot be suffered longer to exist.* If there really be an intention on the part of the General Government to contest the right of the State to the County of Santa Fé, or any other portion of territory connected with our Western border, it is time the question was distinctly made. The longer it is postponed the more difficult will be its adjustment. Experience has taught us, that silence and forbearance on our part to act, instead of soothing hostilities and removing objections, and prejudices originating in local partyisms, have only tended to increase the number and strength of those who have arrayed themselves in opposition to our claims.

In recommending however, as I feel it my duty most earnestly to do, the adoption by the Legislature, of such measures as will bring this matter to a distinct and speedy issue, I would at the same time advise that they be of the mildest character which the full attainment of the object will justify.

Threats, when addressed to chivalrous minds, usually produce an effect different from that sought to be obtained; and are rarely salutary in the adjustment of controverted questions.

Our course should be a decided and firm one, admitting of no waver nor dispensation; but our language should neither imply a threat, or intimate the existence of an expression, that a conflict of power with the Federal Government was or would become necessary. I therefore cannot concur with my predecessor

in the propriety, "of placing at the disposition of the Executive, the whole power and resources of the State," in view of their use, for the adjustment of this question.

The State should unquestionably, use the necessary means, to cause her laws to be obeyed and respected by every portion of her inhabitants; but if this can be done by placing within the reach, and as auxiliary to the civil authority of the eleventh judicial district, a sufficient military force to be employed actively, if necessary, in enforcing all orders and decrees, without being compelled to rely upon the functionaries of the United States for aid and support, it is, in my judgment, as far as we should go, unless the General Government shall make stronger demonstrations than any we have yet seen, of an intention to dispute our rights of sovereignty, over soil, which is ours by conquest, by the resolutions of annexation honestly interpreted, and by patriotic sacrifices. Should that occur, it will then be proper for us to consider what further measures may be required to meet the exigencies of the case.

I therefore recommend that the Executive be authorized to send to Santa Fe, if the necessity for doing so should continue to exist, a military force *sufficient* to enable the civil authorities to execute the laws of the State in that part of the territory, without reference to any anticipated action of the Federal Government, or regard to the military power of the United States stationed at Santa Fe; and I make this recommendation with more freedom, because I cannot conceive that a measure of this character, will, or ought to give rise to any disturbance in our relations with the Federal Government. The right of Texas to enforce her jurisdiction is not more perfect in the county of Travis than it is in the county of Santa Fe; and if the employment of the necessary force to enable her to exercise that right over a refractory population, should produce a collision with the Federal authorities, the fault will not be hers. She will stand exonerated in the judgment of just men, from all the fearful consequences which may result from such a conflict.

In suggesting to the Legislature the propriety of authorizing the Executive to send a military force to Santa Fe, I am not unmindful of the increased pecuniary burthens which the exercise of the authority will impose upon our present tax-paying citizens. I trust, however, that the necessity of carrying into effect a measure of this sort may yet be averted. If the difficulties encountered in our efforts to extend the jurisdiction of the State over that portion of her territory, have resulted from the tardiness of action on the part of the Federal authorities, rather than

from a deliberate design to do us a wrong, (and it may be ascribed to that cause,) we may still encourage the hope, that a sense of magnanimity and justice will induce her, upon being advised of the course we have resolved to pursue, if driven to it, to adopt such measures as will supercede the necessity of incurring this expense; but the indulgence of this hope should not prevent your action upon the subject—such action may accelerate—it cannot retard the issue and adjustment of the question.

I concur in the recommendations of my predecessor, that a commissioner be despatched to Washington City to present this subject once more to the consideration of the President. This should not be done, however, until you have decided upon the course to be pursued by the State, in the event that the mission should prove fruitless. *When that is done*, a special commission to communicate the views, feelings and determination of the State, will not only evince an anxious desire to avoid even the appearance of collision, but it will manifest in the most emphatic, though respectful manner, our determination to act promptly and decidedly. when prompt and decisive action on our part is the only remedy for the preservation of our rights. This Commissioner should be instructed most respectfully to demand that orders be immediately issued to the commander of the military department embracing Santa Fe, to discontinue the exercise of all civil jurisdiction within the limits of the State of Texas; and to recognise and respect her functionaries in the discharge of their proper duties. This done, and if the citizens of that district of country should continue reluctant to submit to the proper civil authority, the military force of the State before alluded to, should be brought at once into active service.

Should the Legislature, in view of the expenditure which the employment of a military force will involve, or from any other cause, deem it inexpedient to adopt the suggestions I have made upon the subject, I would then most respectfully recommend that the eleventh Judicial District be so altered, by the addition of other counties to it, that the Judge can have another place of abode, and his services be rendered of some avail to the State.—Seeing the impracticability of his organizing and enforcing the jurisdiction and authority of the State in that county, whilst unsupported by power, it is worse than useless to require his longer residence there. It not only cannot result in any practical good, but it is daily accustoming those who are hereafter to be brought in subjection to our laws, to look with contempt upon our power and authority, and to treat our officers with contumely and disrespect.

That portion of the State lying on the Rio Grande which embraces "El Paso del Norte," and the contiguous territory, is now rapidly coming into notice, and acquiring importance. It already contains, as I am informed, a considerable population; and that population is daily increasing in numbers and improving in its character. I would, therefore, recommend to the Legislature, the passage of such laws as may be necessary for its early organization into counties, and the immediate extension of the State's jurisdiction over it. In doing this, I am assured that none of the difficulties which have occurred at Santa Fé, will be found to exist. Many of the inhabitants have already made known their desire of being brought under the immediate protection of the State; and it is believed, that this feeling is entertained by all. The counties that may be formed, can be conveniently attached to the eleventh district for judicial purposes. It will not be requiring of the Judge of that district, the performance of a larger share of labor to hold the courts, than is now performed by the other District Judges of the State.

I concur with my predecessor in the importance of the subject connected with the adjustment of the public debt; although we may not hope to meet with an entire unanimity of sentiment, as to the mode which should be adopted, still, it is believed, that one can be agreed upon which will commend itself, by its equity and liberal spirit, not only to our own citizens, but to the world at large. The plan prescribed by the act of March 20th, 1848, for the ascertainment of the amount and the classification of our liabilities, is probably the best that could have been devised; and the mode of scaling those liabilities to their actual value at the periods at which they were incurred, cannot, in my judgment, be obnoxious to the slightest imputation of unfairness or injustice. For a State just emerging from the varied troubles and difficulties of a protracted revolutionary struggle, and involved in an immense amount of pecuniary obligations, to assume, in good faith, the payment of every dollar the value of which she received, or that was expended for her benefit, is placing herself in a moral attitude upon which her citizens may look with pride and pleasure. The idea which seems to be entertained by some, and those, too, of enlarged minds, and large experience in matters of political economy, that our debt should be paid according to the figures presented on its face, without any regard to the value of those figures at the time it was created, has its origin, I humbly conceive, if not in individual gain, at least in a desire for moral fame which leaps over the boundaries prescribed by the ethics of this utilitarian age. I have said, on another occasion, that "the State

is bound to pay every dollar which she justly owes; but neither good faith, nor the most fastidious conception of morality, requires her to do more." With this declaration of my opinion of the subject before them, the people of Texas have honored me with their confidence, by placing me in the position I now occupy; and I regard it as a concurrence, on their part, in that opinion. The only question, then, is, as to the ascertainment of the amount which the State does *justly* owe; and this, I presume, will be satisfactorily arrived at by the mode which has been pursued. In carrying it into practical operation, however, I would earnestly recommend, that the most liberal principles be invoked, so that there shall be no pretext for charging that the State has not done full justice to her creditors, as far as her means would permit.

There exists, also, some diversity of opinion as to the manner of liquidating the debt, after its amount shall have been ascertained. But it is believed, there is none as to the fund from which the means must be derived for its payment. All admit that we must look to our lands as our only resource; but the mode of applying them is a subject upon which many differ.—After much reflection I have thought that the most practicable plan for rendering them immediately available, will be to authorize those who hold the liabilities of the State, to present them to some Department of the Government, which shall be designated for the purpose, and to obtain land certificates at a given price per acre, in sizes not less than one hundred and sixty acres, which certificates the holders may cause to be located on any of the vacant lands of the State, and obtain patents for the same.—If our creditors do not choose to avail themselves of this mode of realizing the amount of their respective claims, they cannot complain if their payment is postponed, until such disposition of the public domain can be made as will enable the State to meet them.

These suggestions are made as the result of my best reflections. If, in the collective intelligence of your honorable body, a better and wiser plan can be presented for an honorable liquidation of our debt, it will meet my hearty concurrence. There exists throughout the State a common sentiment which is most favorable to an equitable and just discharge of the public debt, and but few are found in the advocacy of bad faith or repudiation.

In connection with this subject, I would also recommend to the Legislature, that authority be conferred on the Executive to negotiate with the General Government on some fixed basis, for a sale and transfer with the right of sovereignty, of all that por-

tion of the State which lies north of the parallel of $36^{\circ} 30'$ of north latitude. That part of our territory is composed of a narrow slip of upwards of 300 miles in length from north to south, and not more than eighty in width from east to west. Its surface is mostly mountainous, and the climate and reputed character of its soil, prevents it from becoming valuable for agricultural purposes. Besides, by the terms and conditions of the Resolutions under which Texas became a member of the American confederacy, should it ever be inhabited, it was to be by a class of persons who, having no feelings or interest in common with the residue of our population, would never harmonize with them. It can therefore be of no intrinsic value to the State. To the United States it may be of considerable importance, both on account of its contiguity and connection with their adjoining territory, and of their Indian policy and arrangements. With the views of the Federal Government upon the subject, I am not informed, but it has suggested itself to my mind, that an arrangement might be made, which would be mutually beneficial to both parties—to Texas, it certainly could result in no injury.

I would also, call your attention to the consideration of the propriety of authorizing the Executive, to receive any reasonable proposition, should any be made by the General Government, for the purchase of the soil in that portion of the State extending from $36^{\circ} 30'$ of north latitude to the 34th, if deemed advisable; and to enter into an agreement for a sale of the same, subject to the ratification of the Legislature.

I express no decided opinion as to the propriety of this measure, but in view of the large amount of our pecuniary liabilities, and the vast importance to the State, that they be settled as early as practicable, for the purpose of stopping the heavy accumulation of interest, and in view, also, of the remoteness of that portion of the State from our present population, and the great improbability of its becoming disposed of for settlements to individual purchasers within any reasonable number of years, I deem it a subject, eminently worthy of your serious consideration. In no event, however, should the State in my judgment, ever consent to part with her sovereignty over any portion of her territory lying below the latitude of $36^{\circ} 30'$, whatever might be the cogency of the reasons, which would induce her to desire to sell the soil.

A proper appreciation of what is due to some of her sister States, as well as to herself, forbids her placing in the power of a dominant party, the means of adding another injury, to the many already attempted to be inflicted on the domestic institutions of the South. A sale of the land would not transfer the sovereignty

unless it was expressly agreed upon in the contract. By the purchase, the United States would simply own the lands, as they now own lands in Alabama and other States. All the essential properties of sovereignty, including the right to govern and exercise jurisdiction over the inhabitants would remain with the State.

The recent acquisition of California, the settlement of the Oregon difficulty, and the vast extension of commerce which that acquisition and settlement will induce, force upon the United States the necessity of providing some direct means of communication between the Atlantic States of the Union and such as may be formed on the Pacific shores. This necessity is already felt and appreciated by all the States of the Union, and various plans have been suggested and discussed in reference to the subject.—The one which seems to secure the largest share of approbation is, the construction of a rail-road from some point on the waters of the Atlantic, to some other on the Pacific shore; but what route may ultimately be selected, as presenting the fewest obstacles and securing the largest amount of utility, is yet to be determined.

To judge, however, from the indications we have seen, and our knowledge of the various regions of country over which any road must necessarily pass, we have every reason to believe that it will be made to go directly through this State, and probably upon a line much lower down than its centre. In view, then, of this probability, I would suggest to the Legislature the propriety of conferring upon the Executive authority to make such contract in respect to the disposition of so much of our public lands as may be essential to the construction of the road. Without such authority, the Executive would have no power to entertain any proposition which might be made to him, even for a right of way; and that difficulty alone, when public opinion upon the subject of the best route was nearly equally poised, might be the cause of depriving us of the almost incalculable benefits which would result to the State from the construction of such a road across it. It is unnecessary for me to urge before you, the character or extent of those benefits. They address themselves to the mind and comprehension of every person who gives a moment's reflection to the subject; and for the purpose of adopting all necessary measures to secure them, I would recommend that the State make a donation of the right of way, and authorize a sale, upon reasonable and liberal terms, of so much of the lands bordering on either side of the road, as may be required in its construction.

The defence of the frontier, and our Indian relations, are subjects not subordinate, if they are not paramount to all others claiming your deliberation, and I confidently hope that they will receive from your honorable body the mature consideration which their importance demands.

As the attention of the Legislature has already, during the present session, been directed to these subjects, it will be neither proper, nor necessary for me to enter at large into the history of the various tribes of Indians, inhabiting our borders, or to point you to the relations held by them to our Government and citizens, since we have had a national existence. In urging upon you, at this time, which I feel it my duty to do, from a just sense of what is due to our fellow-citizens along an extended frontier, the necessity of prompt and efficient action, I could, with easy reference, bring to my aid a long and lamentable record of wrongs and deep atrocities committed upon our people from the earliest history of the country, but such a reference would only revive in your minds the dark incidents of an unpleasant retrospect, without taking any thing from the measure of present evils.

Whilst we had a separate existence, the scanty resources of a scattered population were brought into requisition to meet pressing emergencies, and energy, courage and endurance supplied the want of ease, comfort and abundance. The history of the times will abundantly show that the heat and burden of the day was borne in a manner befitting a people contending for a great stake, with but few to sympathize with them, and without a protecting arm. Texas battled, single handed, against a common enemy and their Indian allies until she found repose in triumph—and the repose which she so much needed, she expected to secure when her membership in the Union was announced.—From that day, the general management of the numerous Indian tribes, within the limits of the State, was transferred to, and vested in the General Government; and the power to regulate intercourse with them, it was her constitutional right and duty to assume. Their preservation and improvement was at once to be provided for by the introduction of a proper system, and becoming their guardian and protector, the destinies of this race was placed in her hands. But whilst she assumed the entire guardianship of the red man, her duty became two-fold, and she was bound, by every obligation, moral, legal and constitutional, to protect and defend the citizens of our State against their attacks and outrages. To what extent this has been accomplished, let facts be submitted with candor and impartiality.

It is true that our State exhibits generally the most satisfactory

evidences of improvement, in population, wealth and resources, and presents an ample field for industry and enterprise, but it would be uncandid in me to deny, and gross injustice to our frontier citizens not to assert, that the history of the frontier for the last twelve months, has been the history of repeated outrage, theft and murder. I invite you, gentlemen of the Legislature, to the most rigid enquiry, and if not sustained by ample proof in the declaration, then indeed "truth is stranger than fiction."—The evidences, which should be brought to your aid, are not to be drawn from the partial and ignorant statements of irresponsible letter-writers, whose pent up sympathies never yet reached the log cabin of the bold frontier-man, nor those individuals who, in view of motives of gain, look habitually on the bright side of the picture, which is afforded them by a portion of our State, but the appeal is best made to the brave and hardy pioneers from Red River along the line of the Cross-timbers to the Trinity, from the Trinity to the Brazos, and thence continuously to Eagle Pass on the Rio Grande. Trace the whole extent of the Rio Grande valley, where the name of the "Comanche" is, even now, a sound of dread and alarm. Go with me then to the beautiful country around Corpus Christi and San Patricio, whose inhabitants have been, for successive years, equally the victims of marauding whites, Mexicans and Indians. These are the sources to which we should go for the procurement of that intelligence, upon which you can safely base wise and judicious action; and to these, I respectfully invite your attention.

It is not in the encouragement of a spirit of cavil and complaint against the Federal Government, that I advert to the actual condition of our frontier. Self-respect, a full knowledge of the many advantages which have and will accrue to our State from the connection, as well as the profound respect and love which we bear for the Union, equally forbid the employment of any language uncourteous or unkind. Nor am I wanting in a high appreciation of the gallant officers, at present, in command of our frontier; but my duty to the State is superior to every other consideration, and I must speak of things as I know them really to exist.

With an adequate *mounted* force, the officers in command would, no doubt, use their best efforts to cover the exposed inhabitants, but the present establishment is utterly insufficient—the infantry employed is necessarily inefficient from the number and sparseness of the settlements, and the great adroitness of the race against which they operate, in eluding pursuit after the commission of wrongs. But it is not necessary to adduce argu-

ments ; stubborn, substantial facts are all that is necessary to be met, and let them be met.

The United States have, upon the Texas frontier, a military force sufficient, perhaps *nominally*, to afford protection ; out of this number, the aggregate of the mounted troops is three hundred, and taking from this the necessary details, not more than one hundred and fifty could be employed on active duty. Is, then, this force adequate to the protection of a frontier extending from Red River to the Rio Grande ? (the valley of the Rio Grande is a frontier—the valley of the Nueces is a frontier). Let the incidents of the last year furnish the proper answer.

That an adequate military force is actually necessary to sustain the present relations with the Indian tribes on our borders, has been clearly demonstrated ; and what the character of that force should be, is best evinced by past experience.

During the two years the United States employed a mounted regiment of volunteers on the Texan frontier, peace with the tribes was maintained, and security to the frontier settlers established. Will not the General Government again furnish to the State a regiment of the same character, and if not a regiment a half regiment, to be employed in conjunction with the dragoons now in service here, until such time as she can carry out the beneficent and humane policy imposed by her guardianship and control over all Indian tribes ? To this policy, at once honorable and humane, the honorable legislature will, I am persuaded, oppose nothing, but lend its hearty and enlightened co-operation with the General government.

In the meantime the relation of the Indians with the State, is anomalous and greatly embarrassing. The General Government controls and governs the Indians. They are in the occupancy of a large and valuable portion of the State. The State claims exclusive jurisdiction, and both her interests and honor are involved in the actual exercise of it. Her creditors claim the unrestricted right to appropriate, in a legal manner, the public domain ; and is it not the right and the duty of the State to sustain them ?

The frontier of our State must be defended, and I invoke the Legislature to the adoption of such measures as will authorize and require, and *enable* the Executive, in the event that ample protection is not afforded by the General Government to meet all pressing emergencies (should any unfortunately arise) on the frontiers of the State. It would be deeply humiliating to the Executive, to listen to the just and strong appeals from a distressed frontier, and not be able to respond in an efficient manner.—

The whole subject, therefore, is submitted to your consideration.

In consequence of the difficulties growing out of the revolution, and the want of organization in that portion of our territory bordering on the Rio Grande, our citizens, who settled and have continued to reside there since 1836, have had no opportunity of availing themselves of the various laws of the late Republic, granting head-right certificates to actual settlers; and it would seem to be but an act of justice, that some provision should be made for their relief. Their homesteads, at least, should at once be secured to them. The subject is respectfully submitted to your consideration.

I would, also, recommend the establishment of tribunals, for the investigation of such land titles and claims as emanated from the former governments of Spain and Mexico, previous to the second of March, 1836, and as are held by citizens residing in that part of the State bordering on the same river; and for the confirmation of such, as shall, on investigation, be found to be equitable and just. The investigation to be confined to claims held by our citizens to lands situated on our western, and heretofore unorganized boundary, and to those only, where the evidences of claim were within the State, at the time of the passage of the law, or the claimant had been an actual resident of the Republic and State since the Declaration of Independence, in 1836.

The character of the tribunal to be created for this purpose, and the details of the duties to be assigned, are subjects for your consideration. The experience afforded by the legislation of the General Government upon kindred subjects, in the adjustment of the land claims in Missouri, Florida and other territories acquired by her, may afford you much aid in the preparation of a law suited to this subject. The course pursued by that government was, in the first instance, to appoint Commissioners to investigate the titles and claims to lands within certain defined boundaries or districts—to collect all the testimony in reference to them, and to report the claims and the evidence adduced in their support, to the Secretary of the Treasury, to be laid before Congress; and also, to accompany their report, with a recommendation for the confirmation of such as in their opinion, were equitable and just. This plan certainly appeared, in theory, to be a wise one; but its practical operation was found to be attended with difficulties. The reports of the Commissioners, accompanied as they were, by the vast mass of testimony required to be sent up, were found to be too voluminous to receive such an examination by Congress, as would enable that body to act upon

them apart from the recommendations, so as to arrive at any satisfactory result; and to avoid the difficulty, a law was passed, confirming all claims not exceeding a certain specified quantum of land, which the commissioners had recommended for confirmation, and authorizing the claimants, in all other cases, to institute proceedings in the District Courts, for the investigation and establishment of their claims, and making the decisions conclusive and final, as to the right, unless an appeal was taken to the Supreme Court, where the decision was to be final.

From the history of these proceedings, we may acquire such information as will enable us to avoid much of the delay and expense which was necessarily incurred in the settlement of the land claims in the Territories of the United States. By establishing the most appropriate tribunals in the first instance, and conferring upon them adequate powers for the attainment of the end, we shall, at all events, avoid the necessity which was there found to exist, of a transfer of jurisdiction from one class to another. Whether the District Courts, or Boards of Commissioners to be specially constituted, be the most appropriate, is a subject for your decision. My own mind leads me to the conclusion that boards of commissioners will be preferable, for the reason that men, eminently fitted for the task, may be selected from various parts of the State to fill the boards, who will be operated upon by no local or sinister influences; whilst the Judges of the District Courts, under the contemplated change in the Constitution, will be elected to their offices by the very persons whose rights and interests are to be subjects of investigation.

Should the Legislature adopt the plan of authorizing the appointment of commissioners for the proposed investigation, I would respectfully recommend the constitution of at least two Boards—one to exercise jurisdiction over all the country lying between the Nueces and Rio Grande, and from the coast to the upper limits of Webb county—and the other, over the country embraced above the upper line of the county of Webb; and that each Board should be required to hold its sessions in succession, at the various prominent places and towns within their respective districts.

I cannot believe that it is necessary for me to urge before your honorable body the importance of this subject, or the necessity of immediate action upon it, further than I have done by inviting your attention particularly to it.

A large portion of our population, heretofore alien to our habits and our laws, and still so to our language, have, by recent events, been brought immediately under the jurisdiction of the

State and its authorities. This population, confiding in its character, and disposed to rely upon your sense of justice for the preservation of their rights, are, with few exceptions, not only willing, but anxious to be placed in a position in which they can perform all the duties of good citizens. It is our duty to meet them not only as members belonging to the same political household, but as elder brothers, to whom the younger and weaker members of the family look for protection and security.

Without being particularly advised of the fact, I have understood that the titles to a large class of head-right claims, acquired under the colonization laws, by settlers in the eastern counties, have recently been questioned for a supposed want of authority in the commissioners who issued them. The lands covered by these claims have, in most instances, been occupied and cultivated for years by the claimants, under a conviction that their titles were perfect; and if there be a defect in them, it is one against which they could not guard, and it should not now be permitted to operate to their prejudice. The attention of your honorable body is invited to an enquiry into the subject; and if any defects are found or even supposed to exist, that they may be remedied by such legislative enactments as will be competent to that end.

There is no subject which addresses itself more forcibly and directly to the mature consideration of the Legislature, than that of settling, upon a secure and permanent basis, the land titles of the country; because there is none other upon which its improvement and prosperity so materially depend. Without this is done, it is in vain to expect that extensive immigration, and rapid increase of wealth and population, which the general salubrity of the climate, and its adaptation to the most valued products of the earth, are so eminently calculated to invite. The unsoundness of Texas land titles has almost become a by-word; and however little foundation there may be for the reproach, the injurious consequences resulting from it to the country, are manifest.—These injuries can only be remedied by you; and I therefore invoke your most profound consideration to the subject.

By an act, approved March the 20th, 1848, the eleventh section of the "act supplementary to an act to detect fraudulent land-certificates, and to provide for issuing patents to legal claimants," approved February the 4th, 1841, was repealed. This section was the only law then in force which provided a tribunal for issuing head right certificates of the first class to those entitled to them. At the time of the repeal, many cases were pending in the District Courts upon application for certificates under the provisions of this section. A construction, it is said, has been placed upon

the repealing act, the effect of which will be to dismiss all the cases thus pending. Whatever may have been the intention of the Legislature in respect to the claims of others, it has occurred to me, that it was not contemplated that the act would apply to suits instituted by the heirs of those who fell with Fannin, Travis, Grant, and Johnson; or that it was meant to deprive them of their rights, and the means of obtaining them.

I have been led to this opinion by another act, passed at the same session, and approved on the second of February, 1848, the object of which was to enable them to establish their claims by proof, which could be obtained from the archives of the late War Department. This last act would be a nullity, if the former was intended to apply to cases of this character; and as I cannot suppose that the Legislature meant to do a useless thing, or that it designed to deprive the heirs of those who fell in their efforts to protect our rights, in the darkest period of our history, I must believe that a wrong interpretation has been put upon the repealing act to which I have adverted. I respectfully call your attention to the subject, and suggest that some explanatory act be passed at the present session.

I have been informed that but few, if any, of the colonists introduced under the contracts made by the President of the late Republic with W. S. Peters and Charles Fenton Mercer, and Henry Castro, Esquires, have received titles to their lands. As these contracts are no longer in force, and titles cannot be executed to them, I respectfully recommend that the Legislature take such action upon the subject as may be necessary to secure to the settlers their just rights. An act, similar in its provisions to the one approved 20th March, 1848, for securing to the colonists of Fisher and Miller's colony, the lands to which they were entitled, will, it is believed, afford an adequate remedy.

The present revenue system, which requires taxes on property to be paid in the county where the same is situated, or to the Comptroller at the Seat of Government, acts onerously on a large portion of our citizens. I would, therefore, recommend a change in the present law, so as to permit individuals owning property in one or more counties, to render the same for assessment, and pay the taxes thereon, to the Assessor of the county where they reside. This, it is believed, could be done under proper regulations, and without detriment to the public revenue. By the Comptroller being furnished with a full abstract of the landed property situated in each county, and when the several county assessments are made to that officer, he could enter to the credit of each tract in the abstract, such payments as may have been reported to him

from the several counties; and if, after the receipt of the returns from all the counties, and the proper entries made from the same, there was found to be any property on which taxes had not been paid, sale should be made of sufficient of the same, to satisfy the amount of taxes found to be due. By this means, the entire landed property of the State would be assessed, and the honest tax-payer relieved from the burthen imposed by the present law, of having to travel to the Seat of Government to pay his quota to the public support.

Your attention having been already directed to the constitutional provision, which requires the Legislature, as early as practicable, to provide for the establishment and maintenance of free public schools, it is only necessary for me now to add, that whilst concurring, as I do, with the opinion expressed by the framers of the constitution and by my predecessor, in the importance of a general diffusion of knowledge among the people as essential to the preservation of their rights and liberties, still, I am unable to perceive how this great purpose is to be accomplished, while the constitutional inhibition to a sale of the lands, set apart as a school fund, shall continue to exist.

Those lands, as now situated, though many of them are represented to be of fine quality, are wholly unavailable for the purposes designed, as it is idle, in a country where lands are so abundant and cheap, to think of realizing from them by leases. A sound and practical policy would seem to dictate, that a portion of them be sold upon such terms as the Legislature may prescribe, fixing a *minimum* value, and not permitting any portion of them to be disposed of at a less price than the value thus affixed on it.

In this way a fund might be created, which, in addition to that resulting from the ten per cent, of the annual revenue from taxation, would at once put it into the power of the Legislature to establish free schools upon a footing which would be creditable to the State, and beneficial to its rising generation.

Another reason of more importance exists, which dictates the propriety of selling a portion of these lands. Large bodies are located in several counties, and, by their reservation from sale, they must for years to come, remain without settlement and population. This is doing manifest injury to those counties, and should be remedied, if possible.

At present, however, the Legislature can afford no remedy as it has no power to bring them into market; but it is submitted to your consideration, whether it would not be proper to propose to the people an amendment of the constitution, in this respect, with a view, both to the creation of a fund adequate to the pur-

poses of education, and to the relief of the counties in which they are thus situated.

The sum in the Treasury, derived from the ten per cent. on the revenue raised by taxation, is \$26,660 70. This sum, in my judgment, would be wholly lost if distributed at this time among the various counties. It would be too inconsiderable, when thus divided, to subserve any beneficial purpose in accomplishing the objects to which it is intended to be applied; and yet it is to be regretted, that it must lie idle and unproductive in the Treasury. To convert it by loan or otherwise, into some profitable stock, bearing interest, until the amount shall be sufficient to authorize its useful employment in the way designed, would be, in my opinion, a wise course; but this, like a sale of the lands, is inhibited, by the constitution. Whether or not it would be proper to embrace this subject, in any proposition which might be made to the people for an alteration of that instrument, is also submitted for your consideration.

There is another subject which I cannot overlook in making this communication to you, without a violation of my own sense of right. I allude to the claims which the officers and seamen of the late Texas navy, justly have upon the Government of the United States, growing out of the annexation resolutions.

By the terms of that compact, Texas was required to cede to the United States, "all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms and armaments; and all other property and means pertaining to the public defence, belonging to the said Republic of Texas."

It is contended by many, and with much appearance of reason, that the term "navy," as used in the above recited clause, was intended to include, and does include, not only the vessels of war belonging to Texas, at the time the same were ceded, but also, the officers and men then in commission and employed on such vessels—that the proper meaning of the term, as established by general usage, and as used in the Constitution of the United States and various acts of Congress, comprehends both ships and men, and therefore, that the contracting parties must be presumed to have used it in that sense. If this position be correct, or if the officers and men in the Texas navy can be properly regarded as one of the "means pertaining to the public defence of Texas," contemplated by the joint resolutions, then it is clear, that in either event, a legal obligation was thereby imposed on the Government of the United States, to incorporate such officers and men, with her own navy.

But, however little may be the weight to which arguments, in

support of this position, may be entitled in a legal point of view, no one, it seems to me, can doubt that a moral obligation exists on the part of the Government of the United States, to make a just provision for the officers in question.

In requiring the cession of the navy, as one of the conditions of her admission into the Union, the United States placed it beyond the power of Texas to continue these officers longer in service. As a State of the Union, she no longer possesses the right or power to keep and maintain a navy.

It is not to be supposed that Texas, in agreeing to make this cession, intended or expected that the gallant officers of her navy, who had done so much to secure and maintain her independence, and to elevate the character of their country at home and abroad, were to be put on shore, deprived of their commissions and of the means of earning an honorable livelihood by their profession. To presume this, would be to charge her with the grossest injustice and ingratitude. But Texas did expect that the United States would not permit these officers to suffer by the transfer of her navy. That in receiving the vessels, she would also receive the officers, and provide for the men attached to the same; and, in justice to the Government of the United States, I am unwilling to believe she would have required the one, without intending to do the other.

But there is another view of the subject, derived from the relative condition of the two contracting parties, which, in my estimation, places the equitable claims of these individuals on still higher ground. The proposition for annexation proceeded from the United States to Texas. From a wealthy and powerful nation to one comparatively poor and weak. It came, too, from our "father-land," and was naturally regarded by the people of Texas in the light of an invitation from a parent to a child, to become once more an inmate of the family. It is true, that some of the conditions attending the overture, were justly regarded as hard, and had they been offered by another Government, would most certainly have been rejected. But the attachment felt by the people of Texas for the land of their birth, their pride in its institutions and their confidence in the justice of the Government caused them to accept the same without hesitation.— This they did with the full belief and a confiding trust, that whatever of hardships or injustice was contained in these conditions, would either not be insisted on, or would be greatly ameliorated, by a generous and liberal construction of them. Such a construction, it is believed, we have the right to claim as regards the

condition, above all others, which required the cession of our navy.

There is another class of our citizens who have claims upon the generosity of the Union. I refer to those who, prior to annexation, were disabled in the military service of Texas, and are now unable to earn a livelihood by their own exertions. Justice would seem to require that the Federal Government should place such persons upon her pension list.

If that Government regarded the annexation of Texas of so much importance, it surely ought, after the consummation of the measure, make provision for those who were disabled in their exertions, whilst achieving its independence.

The sacrifice of blood is surely the richest offering that the patriot can make, and it is enhanced when it is made, not for Texas only, but for liberty and mankind. The bravest men are ennobled and made more patriotic by the beneficence and kindness of a good government. Paternal tenderness begets filial devotion—union, harmony, and strength is the happy result, and this, after all, constitutes the seven fold shield of republican freedom.

It is true, that the present pension laws of the United States, provide only for such persons as were wounded in her service. Those who were disabled during the Revolution of Texas, cannot claim directly to have been thus engaged; but as the result of their services and sacrifices has entred to the benefit of the Union, by adding to it another State, the Government of that Union ought, in justice, to make suitable provisions for them.—Although the annexation of Texas to the United States was an anomaly in the history of nations, some analogy may be found to it, in the voluntary union of the sovereign and independent States, under the present Constitution of the United States. By reference to the acts of Congress, it will be seen that very early after that Union was consummated, laws were passed from time to time, assuming the payment of all such pensions as had been paid by the States to their respective citizens, prior to the act of Union. And in 1808, Congress authorized all who then remained on the pension list of any State, to be placed on the pension list of the United States, whether such persons had served in the land or sea service of the United States, or of any particular State.

The action of Congress, then, in behalf of citizens of different States, disabled in the war of the Revolution, prior to the Union, affords, perhaps, sufficient precedent to justify the same action in regard to the soldiers and seamen of Texas, prior to annexation.—When it is considered, too, that Texas, by the act

of annexation, was deprived of her revenues arising from her customs, from which source she might have been enabled to provide for her invalid soldiers and sailors, an additional reason will be seen why the General Government should do so.

Believing that the claims of this class of her citizens will recommend themselves strongly to the enlightened sense of justice of that Government, I respectfully suggest that you will take such steps as you may deem most suitable, in order to have the subject presented to the Congress of the United States.

I respectfully invite the Legislature to a consideration of the propriety of making some provision for those who were engaged in the Santa Fe expedition of 1841. The history of that expedition needs no explanation from me. It forms a prominent feature in the history of the times, when it occurred, and is familiar to all. The persons engaged in it were influenced by as pure a patriotism, and as fervent a desire to advance the best interest of the country as was felt by any who periled their lives and fortunes in the achievement of our Independence, and none suffered more. Thus far their services have remained unrecognized, and without legislative action must continue so to remain. No reason suggests itself to my mind why they should not be placed on the same footing with those who engaged in the expedition under the command of Gen. Somervell, in 1843, and with those who participated in the second Santa Fe expedition under the direction of Col. Snively. Nor is there any, why the claims of all of them should not be admitted in the ascertainment of the liabilities incurred by the late Republic. Though their efforts resulted in defeat and misfortune, they were, nevertheless, the efforts of patriotic and chivalrous men, who never looked to the hazard incurred by themselves, when their country or its authorities asked for their aid.

The unfortunate subject of slavery, now so greatly disturbing many portions of the Union, has assumed an importance, which seems to call for a strong and unequivocal expression of opinion from those most likely to be directly affected by it. The principles involved in this question, are as vitally important to Texas as to any other State of the Union. Her juxtaposition to the Mexican Republic, without the necessary guards which should have been thrown around her by the United States in the late treaty with that power, places the citizens, in regard to their slaves, always in jeopardy. Superadded to this, her geographical position to the immense Californian region, now claiming admission as a member of the Union, with anti-slavery doctrines, makes it imperative that she should define her proper position and defend her-

only the merit of being abstract moral sentiments as applicable to natural rights, disclaiming any intention or desire of encroachment or interference with the rights of the citizens of any State of the Union, in respect to slave property. They have, however, rapidly increased in numbers and boldness, and in proportion to their increase of numbers, has been a reckless development of a pertinacious determination to embarrass a large portion of the Union in the exercise of a right secured by the constitution of the United States, denying to them thereby an equal participation in most important political privileges. All disguise has been recently thrown off as no longer necessary, and anti-slavery sentiments have assumed the form of distinct political propositions. They are now urged with a zeal and constancy in the national councils, which leave the South nothing to hope from a reliance on the justice and magnanimity of their deluded advocates.—The watch-word of this political party is free-soilism, which embraces, in its principles, the practical application of anti-slavery doctrines. It is no want of charity to say after the developments which admit of no disguise, that the party regards the triumph of their views as more important than the perpetuity of the Union; and this is said more in sorrow than in anger. Social as well as political rights must be surrendered when they claim and establish for Congress the power to prohibit slavery in the territories of the United States. If this principle shall obtain, the legal rights and domestic tranquillity of the South will be in jeopardy, and that by the assumption of power by the Federal Government.

The States in which the institution exists, contest directly the right, moral or constitutional; and the issue is distinctly made: Will the General Government, which is looked to as the common guardian of the Union, fail to deal out equal and exact justice to all? Recent developments are calculated to excite the apprehen-

sions of just men, who look to the issue with great anxiety, because it involves the tranquility of the Union, that the power which has been vested in Congress, for the regulation and disposition of public property, is attempted to be used to prohibit to individual citizens the unrestricted use of private property.

Texas occupies, in reference to this subject, an interesting position in the American Union. The large extent of territory embraced by her boundaries, a great portion of which is eminently adapted to the culture of sugar and cotton, (and in this respect, perhaps, superior to any other portion of North America,) will insure to her, at no distant day, a very large slave population—it is already very considerable—and is destined to be, in all probability, larger than that of any of her sister States. She is, then, not only as nearly concerned as any other slave-holding State in protecting and preserving the constitutional rights of her citizens to their property in slaves, but her contiguity to a foreign government, whose prejudices are known to be arrayed against our institution of slavery, admonishes us that we present an inviting field for political incendiaries, whose temerity will be heightened by every act of aggression to which we tamely submit, or in which we passively acquiesce. I cannot concur with those who regard this objection to this exercise of power by Congress, as an abstraction in respect to territory, in which, from physical causes, we cannot fairly suppose that slavery would, under any circumstances, exist. The climate and productions of a territory, or its adaptation to a particular species of industry, can in no way change or modify the power of Congress over it. It is a question of power, and not of expediency. If the power exists we cannot complain of its exercise. If it does not exist, it is both our interest and our duty to protest against it; for although in a given case, no injury might result to the citizens of the territory, the provisions being in accordance with their own views and feelings, yet it is impossible to foresee the amount of evil, that might flow from it. The principle, once established, that Congress may rightfully exercise the power, its application would, at some future day, be made when opposition might then be too late. The question of power would be considered as settled, and a precedent established, for the future action of the government, behind which, a majority in Congress, in opposition to Southern interests, would never look.

I deem it not improper or unbecoming in a State of the Union, to give an expression upon the constitutionality of a power proposed to be exercised by Congress, although it might not be calculated to affect her interests prejudicially; but when its certain

effects would be to deprive her citizens directly, of high and important privileges, intended to be secured by the constitution, and to weaken the guarantees intended, by that instrument, to be thrown around their property, the right then becomes merged in a solemn duty.

It is also necessary that the State should, at this time, define clearly the position she assumes, and will maintain upon the slavery question, in order that in time to come, she may not have her internal and domestic quiet disturbed by those who may become citizens. A firm and manly stand in regard to our institutions, present and prospectively, may save us from future dissensions. The broad and rich bosom of the country is now attracting the attention of the world, and emigrants from all the States, and various quarters of the globe, will seek their homes amongst us, and, with a proper intelligence of our true position, any established prejudices which they may entertain will at once be surrendered.

By vigilance in this measure we will, at least, convince our opponents, that we do not deem the subject unimportant or subordinate. We cannot tell when the practical evils of the monstrous doctrines, which they would inflict upon us, may commence upon our State, or what their consummation; and we have the most solemn monitions from high sources, of the immediate necessity of prompt, united, harmonious action.

With due deference to the wisdom and intelligence of your honorable body for a proper direction of this subject, I respectfully recommend the passage of firm but temperate resolves, similar in character and principle, to those unanimously adopted by the General Assembly of Virginia, on the 8th day of March, 1847.

There are, doubtless, other subjects deeply interesting to the State's advancement not adverted to in this communication, and it is anticipated that the collective wisdom and intelligence of your honorable body will readily perceive and promptly supply the deficiency.

I shall most cheerfully give to the honorable Legislature my hearty co-operation in such measures as they may adopt for the benefit of the State; and trusting that your deliberations may be signally characterised as wise, prudent and dispassionate, I have only to congratulate you on the abundant cause we have to render sincere thanks to the Supreme Being, for the preservation of the health of our fellow-citizens—the abundance with which he has crowned their efforts during the past year, and the animating appearance of increasing prosperity for our young and growing State.

P. H. BELL.

The Senate returned to their chamber.

On motion of Mr. Parker, the committee on Printing was instructed to contract for the printing of two thousand copies of the message for the use of the Senate.

On motion of Mr. Davis, the Senate adjourned.

THURSDAY, 9 o'clock, A. M., December 27, 1849.

The Senate was called to order by the President. Senators present: Messrs. Gage, Grimes, Hart, Latimer, McRae, Moffett, Pease, Parker, Phillips, Portis, Taylor, Truit, Ward, Walker and Wallace.

Prayer by the Chaplain. The journals of the preceding day were read and adopted.

Mr. Wallace, chairman of the committee on Enrolled Bills, reported a bill to provide for the permanent location of the seat of justice for Cass county correctly enrolled.

Mr. Grimes, chairman of the committee on Finance, made the following report:

AUSTIN, December 26, 1849.

Hon. JOHN A. GREER,

President of the Senate:

The committee on Finance, to whom was referred the petition of the citizens of Houston county praying for the relief of Jacob Albright, assessor and collector of taxes of the said county of Houston, have fully and thoroughly examined the subject, and submit to the consideration of the Senate the evidences in a condensed form upon which the petition is based; this petition is subscribed with one hundred and eighty-two names, representing themselves to be citizens of Houston county, and is supported by affidavits and certificates as follows:

1st. The affidavit of Jacob Albright, testifying that on the night of the 4th January, 1849, he was robbed of the public monies collected, by virtue of his office, to the amount of one thousand dollars and upwards, according to the best estimates he could make from the assessment-rolls referred to.

2. The certificate of James C. Dupree, signed officially as Justice of the Peace, sets forth that he is acquainted with the house of Jacob Albright, and that he considered him sufficiently